



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

March 29, 2006

SUBJECT: **2006-0216 - Wendell L. Whitfield** [Applicant/Owner]:
Application for related proposals on a 16,250 square foot site
located at **461 and 471 South Murphy Avenue** (near Olive
Ave.) in a DSP-11 (Downtown Specific Plan/Block 11) Zoning
District.

Motion **Special Development Permit** to allow the modification of a
proposed rear garage to add additional usable open space
over the garage.

REPORT IN BRIEF

Existing Site Conditions Two parcels developed with two single-family homes
and mature landscaping.

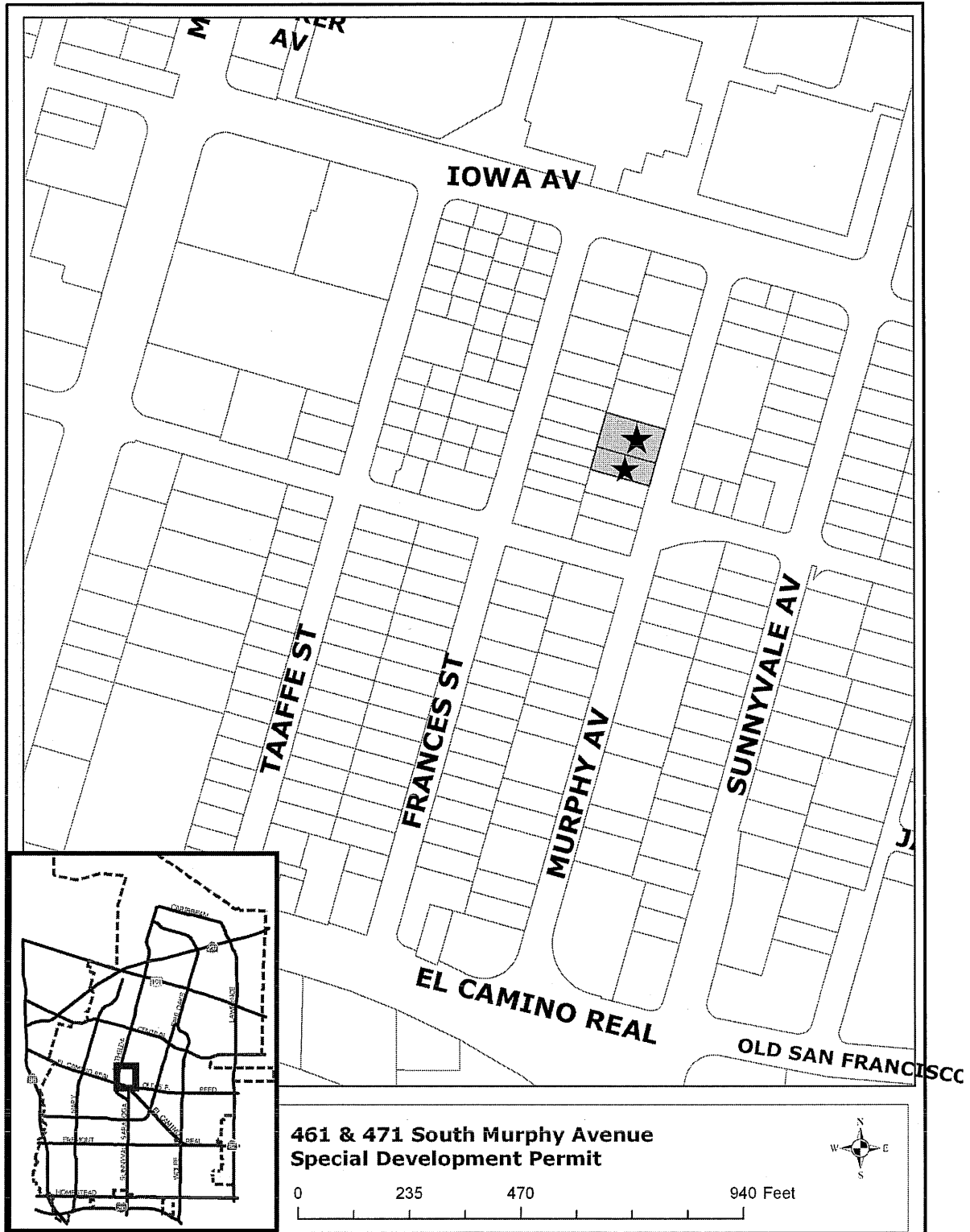
Surrounding Land Uses

North	Apartments
South	Medical Office
East	Apartments, Single Family Residential
West	Single Family Residential

Issues Privacy and design

Environmental Status A Class 1 Categorical Exemption relieves this project
from California Environmental Quality Act provisions
and City Guidelines.

Staff Recommendation Approval with conditions



PROJECT DATA TABLE

	APPROVED PLAN	PROPOSED	REQUIRED/ PERMITTED
General Plan	Downtown Specific Plan	Same	Downtown Specific Plan
Zoning District	DSP, Block 11 (up to 14 du/acre)	Same	DSP, Block 11
Lot Size (s.f.)	Lot 1: 2,125 Lot 2: 2,150 Lot 3: 2,013 Lot 4: 2,150 Lot 5: 3,310 Lot 6: 4,505 (common lot) 16,250 sq. ft. total	Same	2,600 sq. ft. min.
Gross Floor Area (s.f.)	13,004 sq. ft.	Same	No max.
Lot Coverage (%)	45.4%	Same	60% max.
Floor Area Ratio (FAR)	78.2%	Same	No max.
No. of Units	5	Same	5 max.
Density (units/acre)	13.5	Same	14 max.
Unit Sizes (s.f.)	Unit 1: 2,140 Unit 2: 2,123 Unit 3: 2,059 Unit 4: 2,123 Unit 5: 2,135	Same	N/A
No. of Buildings On-Site	2	Same	N/A
Distance Between Buildings	12' 6"	Same	10 ft. min.
Building Height (ft.)	29' 10"	Same	30 ft. max.
No. of Stories	2	Same	2 max.
Setbacks (Facing Property)			
Front	15' to 23'	Same	18' min.

	APPROVED PLAN	PROPOSED	REQUIRED/ PERMITTED
Left Side	12' to 12' 8"	Same	4' min.
Right Side	6' to 9' 8"	Same	4' min.
Rear	25' 6" to 26'	Same	20' min.
Landscaping (sq. ft.)			
Total Landscaping	4,354 sq. ft.	Same	3,250 sq. ft. min.
Usable Open Space/Unit	Unit 1: 579 sq. ft. Unit 2: 590 sq. ft. Unit 3: 599 sq. ft. Unit 4: 628 sq. ft. Unit 5: 1,843 sq. ft.	Unit 1: 741 sq. ft. Unit 2: 790 sq. ft. Unit 3: 799 sq. ft. Unit 4: 828 sq. ft. Unit 5: 2,005 sq. ft.	500 sq. ft. min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The applicant proposes to modify a previously approved project to add usable open space over the existing garage spaces on the detached garage building towards the rear of the site. The usable open space will be accessed from each private yard through a staircase up to a raised balcony on the front half of the detached garages. No other modifications are proposed on the site.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1974-0282 (461 and 471 S. Murphy Ave.)	Use Permit to allow a general office use	Planning Commission/ Approved	8/26/74
1984-0379 (461 and 471 S. Murphy Ave.)	Use Permit to allow a cooking school	Planning Commission/ Approved	7/23/84

File Number	Brief Description	Hearing/Decision	Date
2002-0191 (461 and 471 S. Murphy Ave.)	Special Development Permit and Tentative Map for five unit townhomes	Planning Commission/ Approved/Expired 5/13/04	5/13/02
2005-0319 (461 and 471 S. Murphy Ave.)	Resource Allocation Permit	Heritage Commission	8/17/05
2005-0319 (461 and 471 S. Murphy Ave.)	Special Development Permit and Tentative Map for five unit townhomes	Planning Commission/ Approved	10/10/05

On October 10, 2005 the Planning Commission approved a Special Development and related Tentative Map for five new townhomes. This approval included a detached garage at the rear of the property. This application is to modify the rear garage building to add usable open space over the existing parking spaces.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor alterations to buildings. The project has not been constructed, however, it was already reviewed through a Negative Declaration and this project is a minor alteration to the project.

Special Development Permit

Site Layout: The proposed project only includes a modification to the rear accessory structure, which is the enclosed garages, to add usable open space. The garage is towards the rear of the site behind the main residential building. Surrounding uses include a medical office, apartments and multi-level residential buildings.

The following Guidelines were considered in analysis of the project site design.

City-Wide Design Guideline (Site Layout)	Comments
<i>B1: Locate site components such as structures, parking, driveways, walkways, landscaping, and open spaces to maximize visual appeal and functional efficiency.</i>	The proposed project includes the open space area at the back portion of the property and is screened from the street by the main residential building.

City-Wide Design Guideline (Site Layout)	Comments
<i>B14: Design multi-building residential complexes to differentiate between private, semi-private and common spaces through building placement, landscaping, gates, etc. Delineate each space for proper use and access by residents.</i>	The proposed second level decks are accessed from the private open space areas in the rear backyards.

Architecture: The proposed modifications to the rear accessory building include the addition of second-level decks. The area is half of the building with the front half of the roof removed to incorporate the decks. Each deck will be separated by a 6' 6" separation/privacy wall so each resident will have privacy from the adjacent neighbor. The deck will include a safety railing to provide safety for residents. As proposed, the railing is a tubular style and does not match the existing proposed architecture on the main building, thus, staff recommends that the railing match the architecture of the main building.

The following Guidelines were considered in the analysis of the project architecture.

City Wide Design Guideline (Architecture)	Comments
<i>C1: Maintain diversity and individuality in style but be compatible with the character of the neighborhood.</i>	The proposed deck will not be incompatible with the surrounding structures.
<i>C3: Develop a comprehensive architectural theme for multi-building complexes. Unify various site components through the use of similar design, material, and colors.</i>	The proposed deck will include materials that will match the existing building.
<i>C17: Design fire escapes and exterior stairs, elevator shafts, and balconies as part of the building, not as separate elements.</i>	The exterior staircase to the upper level deck is conditioned to match the architecture of the buildings.

Open Space: The proposed project includes additional usable open space for future residents which maximizes the amount of private usable open space for each unit and makes use of space that was only used for roof area.

City Wide and Downtown Specific Plan Design Guideline (Open Space)	Comments
<i>C1: Design every project site for maximum utility of open space for ventilation, sunlight, recreation and views for both new and existing buildings.</i>	The proposed project makes use of previously unusable space (portion of a roof) and converts it to usable open space.
<i>C4: Provide private usable open space areas for each unit and common usable open space for all units in attached single and multi-family residential developments.</i>	The proposed project provides increased usable open space for each unit.
<i>C.10: Provide private outdoor space for each residential unit as an outward projecting balcony or an inward projecting terrace when possible.</i>	The proposed project is incorporating an upper level deck open space area that is inward projecting into the garage building.

Landscaping: The proposed project does not include modifications to the proposed landscape plan.

Parking/Circulation: Parking and circulation will not be affected by the proposed second level decks.

Compliance with Development Standards/Guidelines: The proposed project will not change its compliance with development standards and guidelines. The proposed project will increase the amount of usable open space per unit with the incorporation of these second level decks.

Downtown Specific Plan: The project has been evaluated using the standards in the Downtown Specific Plan. The Downtown Specific Plan envisions a low-medium density neighborhood with townhouse developments consisting of 2-story residential units and a small backyard. This proposal complements the proposed residential development by providing additional usable open space.

Expected Impact on the Surroundings: The second level decks may impact privacy for adjacent uses; however, the main building already includes living area on the second level. The second level decks will be lower than the main building second level. In addition, the property to the rear will not have privacy impacts as the back half of the garage roof will remain in place and block view opportunities to the rear. If the decks include lighting, glare may become a concern to side properties. Thus, staff is recommending that any proposed lighting on the decks be shielded to prevent glare onto neighboring properties.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 15 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

The proposed project includes a modification to the previously approved multi-family residential project. The modification is limited to adding second-level decks over the accessory garage building. The modification will not affect development standards except adding increased usable open space for each unit.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

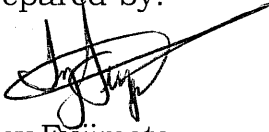
Alternatives

1. Approve the Special Development Permit with attached conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

Recommendation

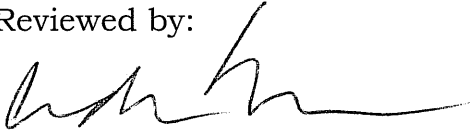
Alternative 1, staff recommends approval of Alternative 1 since the project will provide additional usable open space for each residence. The location of the open space is making use of an area that is currently not used. In addition, the modifications will not affect the appearance of the project and will mostly be viewed from the back of the proposed residential building.

Prepared by:



Troy Fujimoto
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Community Design Sub-Element

Action Statement 2.5C.1.c: Continue to insure that projects have amenities which make them attractive and that these features are not sacrificed to maximize development potential.

Action Statement 2.5C.3c: Encourage multiple family residential projects to have differentiated outdoors spaces, including private entries which provide individual identity, semi-private transitional spaces and common areas with unrestricted and easy access.

Downtown Specific Plan

Open Space C.10: Provide private outdoor space for each residential unit as an outward projecting balcony or an inward projecting terrace when possible.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides an increase of private open space to the project over the original approval. The location of the open space on the second level above the garage does not impact the appearance of the project as it is obstructed by the main residential building.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the proposed project meets the City-Wide Design Guidelines and the design guidelines set forth in the Downtown Specific Plan.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building Permit for this project. Building Permit plans shall be accompanied by an annotated set of the conditions of approval indicating how the project complies with each condition.
- D. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- G. Comply with all requirements of previously approved Special Development Permits, File Number 2005-0319.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

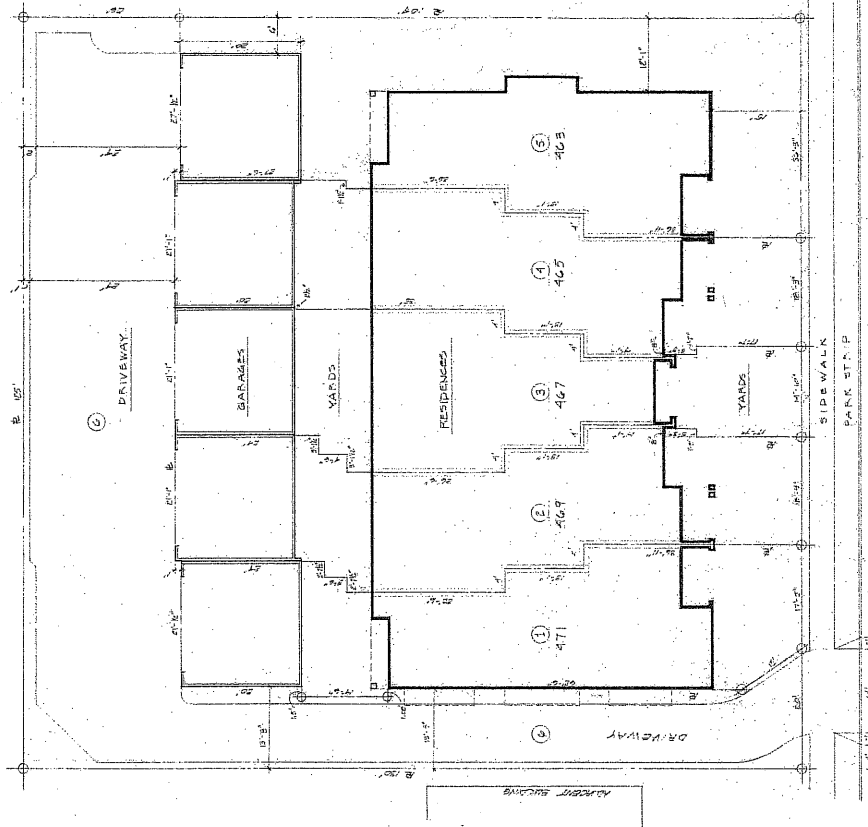
- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.

3. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final design of the staircase is subject to review and approval of the Director of Community Development prior to issuance of a building permit.
- B. Final design of the railing for the decks is subject to review and approval of the Director of Community Development prior to issuance of a building permit.
- C. Final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit.

4. LIGHTING

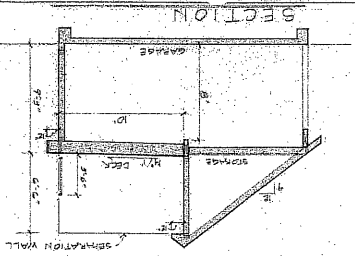
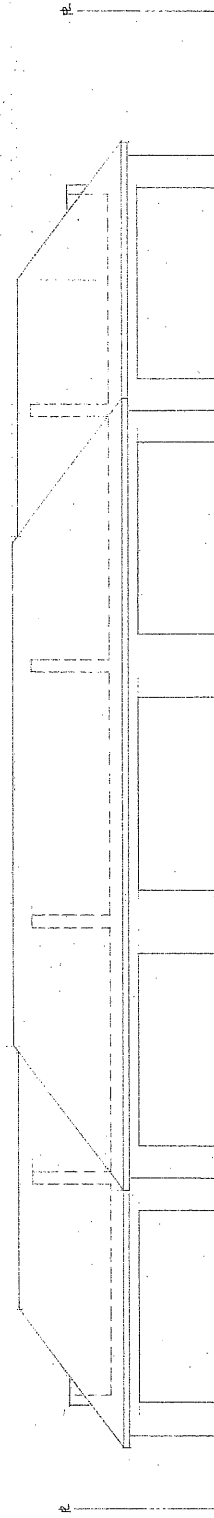
- A. Lights shall have shields to prevent glare onto adjacent residential properties.



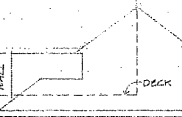
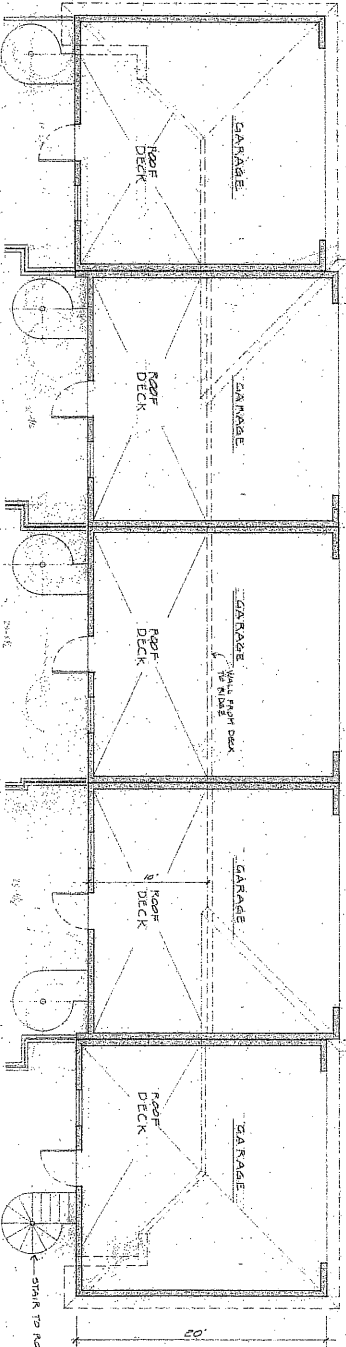
S I T E P L A N

P R O J E C T D A T A			
SITE	16,253 SQFT		
RESIDENTIAL FOOTPRINT	3,246		
GARAGES FOOTPRINT	2,107		
SITE COVERAGE	4524%		
LOT 1	2,125	UNIT 1	2,140 SQFT
LOT 2	2,150	UNIT 2	2,123
LOT 3	2,013	UNIT 3	2,059
LOT 4	2,150	UNIT 4	2,123
LOT 5	3,510	UNIT 5	2,135
LOT 6	4,505		

REAR ELEVATION

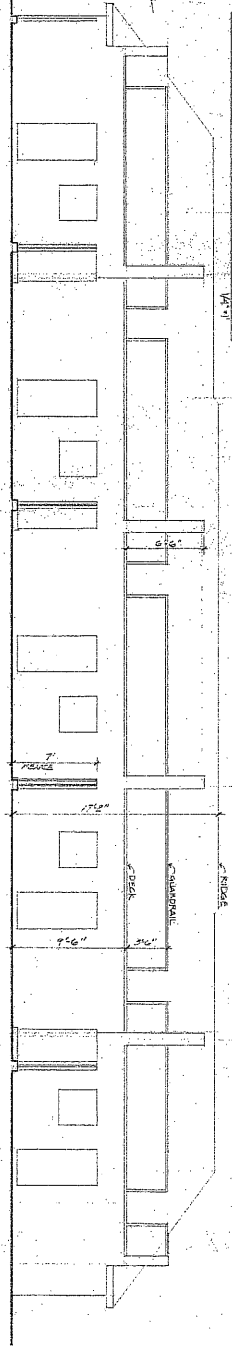


GARAGE PLAN



SIDE

BACKYARD ELEVATION



PL. CH. NO. 2005-087
161 & 471 MURPHY